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7	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA		
9	KYLIE STEELE,	Case No.	
10	Plaintiffs,	COMPLAINT FOR PERSONAL INJURIES	
111213	NATIONAL RAILROAD PASSENGER CORPORATION, a/k/a AMTRAK, a District of Columbia corporation; and, DOES ONE THROUGH FIFTY,	JURY TRIAL DEMANDED	
14	Defendants.		
1516	Plaintiff Kylie Steele, ("Plaintiff"), by ar	nd through her undersigned counsel, and for her	
17	claims against Defendant hereby states and alleg	ges as follows:	
18	1. PARTIES		
19	1.1 That at all material times, Plaintiff was and is a resident of King County, State o		
20	Washington.		
21	1.2 That at all material times Defend	dant National Railroad Passenger Corporation,	
22	a/k/a AMTRAK, a District of Columbia corpora	ation, ("AMTRAK") was and is in the business	
23	of operating a system of railroad tracks in the state of Washington, and that said system included		
24	Complaint for Personal Injuries - Page 1	ROSSI VUCINOVICH P.C. 1000 Second Avenue, Suite 1780 Seattle, Washington 98104 (425) 646-8003/ Fax (425) 646-8004	

Complaint for Personal Injuries - Page 2

AMTRAK Cascades Train 501 operating between Seattle, Washington and Portland, Oregon.

1.3 Doe Defendants 1-50 are fictitiously-named persons or entities that, on information

lines of track within the District where this action is filed. That AMTRAK owns and operates

- and belief, owned, planned, designed, built, financed, approved, inspected, maintained, and repaired the line of tracks at the Point Defiance Bypass, Lakewood Subdivision, Dupont, Washington, where AMTRAK Cascades Train 501 derailed on December 18, 2017. The true names and identities of these defendants are presently unknown and unavailable to Plaintiff. If and when the true names and identities of these defendants are ascertained through further investigation and discovery, Plaintiff reserves the right to substitute the proper names of such persons or entities, and such substitution shall relate back to the date of this Complaint.
- 1.4 Doe Defendants 1-50 are fictitiously-named persons or entities that, on information and belief, designed, manufactured, supplied, purchased, inspected, maintained, repaired and operated the locomotive and passenger and sleeper cars making up AMTRAK Cascades Train 501, and all components and parts thereof; and provided training related to the train and the track at issue. The true names and identities of these defendants are presently unknown and unavailable to Plaintiff. If and when the true names and identities of these defendants are ascertained through further investigation and discovery, Plaintiff reserves the right to substitute the proper names of such persons or entities, and such substitution shall relate back to the date of this Complaint.
- 1.5 Plaintiff is informed, believes and alleges that each of said Defendants are responsible in some manner for the events and legally caused injuries and damages alleged herein and Plaintiff will seek leave to amend this complaint to allege the true names and capacities as they become known or are discovered.

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1.6 That at all times herein mentioned, each Defendant was the agent, partner, servant, employer, independent contractor and/or joint venture of each other Defendant and, at all times herein mentioned, was acting within the course and scope of said agency, partnership, employment, contract or joint venture.

2. <u>JURISDICTION AND VENUE</u>

2.1 This Court has subject matter jurisdiction over this action under 28 U.S.C. § 1331, because, on information and belief, AMTRAK is a congressionally incorporated corporation, over half of whose capital stock is owned by the federal government. Venue is proper in the Western District of Washington pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claim occurred in this District, and AMTRAK is subject to the court's personal jurisdiction with respect to this claim.

3. NATURE OF OCCURRENCE

- 3.1 That on December 18, 2017, AMTRAK, through its employees and/or agents, operated, managed, maintained, supervised owned, designed, constructed and/or controlled AMTRAK Cascades Train 501, which originated in Seattle, Washington and was destined for Portland, Oregon.
- 3.2 That on December 18, 2017, AMTRAK Cascades Train 501 was operated by employees and/or agents of AMTRAK.
- 3.3. That on December 18, 2017, AMTRAK sold Plaintiff a ticket on Cascades Train 501, and Plaintiff boarded the train as a passenger at the King Street Station, Seattle, WA.
- 3.4 That on December 18, 2017, at or near Dupont, Washington, AMTRAK Cascades Train 501 approached the bridge crossing I-5 at a speed far in excess of the authorized, posted, and safe speed for that segment of track.

Complaint for Personal Injuries - Page 3

train and occupants.

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1	3.12	Based upon information and belief, at all 1	relevant times AMTRAK failed to	
2	provide sufficient supervision and training including familiarization trips to its employees and			
3	agents.			
4	3.13	Based upon information and belief, there m	ay be unknown persons or entities,	
5	including but not limited persons or entities involved in the design, construction, operation,			
6	maintenance or repair or the track or equipment involved, who may be at fault and Plaintiff may			
7	amend her pleading accordingly.			
8	4. <u>CAUSES OF ACTION</u>			
9	4.1	Plaintiff hereby realleges and incorporates by	reference the allegations contained	
10	in paragraphs 1.1 through 3.13 of this Complaint as though fully set forth herein.			
11	4.2	That the injuries, damages and losses sustained	ed by Plaintiff as hereinafter alleged,	
12	were directly and proximately caused by the tortious conduct of AMTRAK and its violation of			
13	its duty of care, including but not limited to:			
14 15	a.	Failing and neglecting to inspect, maintain, ic dangerous conditions which existed on its equal to the second seco		
16	b.	Failing to properly train its agents and empl manner;	oyees to operate the train in a safe	
17	c.	Failing to properly supervise its agents and e the train;	mployees in the proper operation of	
18 19	d. Failing to enable or provide fully operational Positive Train Control or other			
20	e.	safety devices on its train; and, Failing to comply with applicable federal star	ndards of care and applicable federal	
21	C.	statutes or regulations.	idards of care and applicable federal	
22		5. <u>INJURIES, HARM AND DA</u>	MAGES	
23				
24	Complaint for Personal Injuries - Page 5 ROSSI VUCINOVICH P.C. 1000 Second Avenue, Suite 1780		ROSSI VUCINOVICH P.C. 1000 Second Avenue, Suite 1780	
25			Seattle, Washington 98104 (425) 646-8003/ Fax (425) 646-8004	

1	5.1 As a direct and proximate result of the above acts or omissions of AMTRAK,		
2	Plaintiff has sustained permanent injuries requiring past and future medical care. That Plaintiff		
3	will incur substantial future health care and related expenses as the result of her injuries. That		
4	Plaintiff has and will continue to suffer loss of enjoyment of life, pain, anxiety, distress and		
5	emotional trauma, physical impairment and disfigurement, pecuniary and economic losses, and		
6	other injuries, harms and non-economic damages which are ongoing.		
7	6. <u>RELIEF CLAIMED</u>		
8	WHEREFORE, Plaintiff prays that judgement be entered against the above-named		
9	Defendants in an amount established by the evidence, together with all costs and disbursements		
10	herein.		
11	Dated: June 18, 2019		
12	ROSSI VUCINOVICH PC		
13	By: s/ <u>James K. Vucinovich</u> James K. Vucinovich, WSBA No. 29199		
14	ATTORNEYS FOR PLAINTIFF		
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24	Complaint for Personal Injuries - Page 6 ROSSI VUCINOVICH P.C. 1000 Second Avenue, Suite 1780 Seattle, Washington 98104		
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